

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Ossie Robert Trader	:	CIVIL ACTION
	:	
v.	:	
	:	
T.C. Outlaw, <i>et al.</i>	:	NO. 05-4462

MEMORANDUM AND ORDER

Fullam, Sr. J.

August 16, 2006

The United States Magistrate Judge to whom this case was referred for a report and recommendation has recommended that the petition be denied. The petitioner has filed objections to the report and recommendation, and has also filed a "Motion to Amend and Supplement Pleadings Pursuant to Rule 15(a),(b),(c) of the Federal Rules of Civil Procedure." The latter motion seeks to include information purporting to show that the deposits of the banks the petitioner was convicted in state court of robbing were federally insured. Although the question of the federal insurance is neither disputed nor relevant the motion to amend will be granted.

In his objections to the report and recommendation, the petitioner asserts that the Magistrate Judge is biased; however, the only basis for this assertion is the petitioner's disagreement with the report's analysis. Having reviewed the entire record, I readily conclude that the Magistrate Judge has correctly resolved all issues in the case, that the petitioner's objections must be overruled, and the petition denied. It is

clear that regardless of whether the petition is analyzed under Section 2254 or Section 2255, it is totally lacking in merit: contrary to the petitioner's argument, the state court had jurisdiction over his robbery of a bank, even if the deposits were federally insured. Abbate v. United States, 359 U.S. 187 (1959); Bartkus v. Illinois, 359 U.S. 121 (1959). The recommendation will be approved.

An Order follows.

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ORDER

AND NOW, this 16th day of August 2006, IT IS ORDERED:

1. Petitioner's "Motion to Amend and Supplement Pleadings Pursuant to Rule 15(a),(b),(c) of the Federal Rules of Civil Procedure" is GRANTED.

2. Petitioner's objections to the magistrate's report are OVERRULED.

3. The Report and Recommendation of United States Magistrate Judge Jacob P. Hart is APPROVED and ADOPTED.

4. The petition for a writ of habeas corpus is DENIED. There is no basis for issuing a certificate of appealability.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.